

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
)
v.) **Case No.: 2:07cr12-MEF**
)
GREGORY LEWIS DAVIS)

THIRD MOTION TO CONTINUE TRIAL

NOW COMES the Defendant, **GREGORY LEWIS DAVIS**, by Undersigned Counsel, Donnie W. Bethel, pursuant to 18 U.S.C. 3161 §§ (h)(8)(A) and (h)(8)(B), and respectfully moves the Court for an Order continuing this matter from the October trial term. In support of this Motion, the Defendant would show the following:

1. This case is currently scheduled for trial on October 2, 2007.
2. On February 14, 2007, Mr. Davis timely filed a Motion to Suppress Evidence and Statements. An evidentiary hearing was subsequently held on June 13, 2007. On September 7, 2007, this Court adopted the Magistrate Judge's Report and Recommendation and denied Mr. Davis's Motion to Suppress.
3. As a result of this Court's ruling, the Parties are now negotiating a resolution of this case, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C). The negotiation of the terms of the plea agreement cannot be completed in time for Mr. Davis to provide timely notice to this Court of his intent to change his plea from not guilty to guilty.
4. Assistant United States Attorney Verne Speirs does not oppose Mr. Davis's Motion.

WHEREFORE, for the reasons set forth above, Mr. Davis moves this Court to issue an Order continuing the trial from the October 2, 2007, trial date.

Dated this 19th day of September, 2007.

Respectfully submitted,

s/ Donnie W. Bethel
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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to Assistant United States Attorney Verne H. Speirs, Esq.

Respectfully submitted,

s/ Donnie W. Bethel
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